



01-31-03

#12 DAC

PTO/SB/61 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**Docket Number (Optional)  
2269-4294.1US  
(98-1208.01/US)

First named inventor: Whitman et al.

Group Art Unit: 2826

Application Number: 09/944,230

Examiner: T. Dickey

Filed: August 30, 2001

Title: SPIN COATING FOR MAXIMUM FILL CHARACTERISTIC YIELDING A PLANARIZED THIN FILM SURFACE

Attention: Office of Petitions  
Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

**1. Petition fee**

- ☐ small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).

**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in**

the form of \_\_\_\_\_ (identify the type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

**B. The issue fee of \$ \_\_\_\_\_**

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

Adjustment date: 03/07/2003  
02/03/2003 AWONDAF1 00000046 09944230  
01 FC:1452

-110.00 OP

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

02/03/2003 AWONDAF1 00000046 09944230

01 FC:1452

110.00 OP

Refund Ref: 03/07/2003 CXLOR 000012000

CHECK Refund Total: \$110.00

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

**4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

January 30, 2003

Date

*Brick G. Power*

Signature

Telephone

Number: ( 801 ) 532-1922

Brick G. Power

Typed or printed name

230 South 500 East, Suite 300

Address

Salt Lake City, Utah 84102

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐ \_\_\_\_\_

**NOTICE OF EXPRESS MAILING**

Express Mail Mailing Label Number: EV209820034US

Date of Deposit with USPS: January 30, 2003

Person making Deposit: Matthew Wooton

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY  
UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

January 30, 2003

Date



Signature

Brick G. Power

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

The Office action mailed June 3, 2002 was not received by Attorney for Applicants. A search of the file jacket and docket records indicates that the Office communication was not received. Attached is a copy of the docket report showing all replies docketed during the pendency of the case. Had we received the Office communication, we would have docketed the office action. However, it was never received.

*(Please attach additional sheets if additional space is necessary)*

# Matters Listing with Events

Search for: %4294.1 Search by: Matter ID

Client	Matter Description	Area of Law	Matter ID
Micron Technology, Inc.	(98-1208.1) Spin Coating for Maximum Fill	IP-US	2269-4294.1US
Event Date	Initials	Notes	
8/30/2001	BGP, JAW	Filed Application Trigger: Filing of application Base Date: Filing Date	
8/30/2001 11:34:00	LS	UTILITY PATENT APPLICATION TRANSMITTAL; FEE TRANSMITTAL FOR FY 2001; CHECK NO 17252 IN THE AMOUNT OF \$710.00; SPECIFICATION INCLUDING TITLE PAGE, CLAIMS AND SINGLE PAGE ABSTRACT; FORMAL DRAWINGS; COPY OF DECLARATION FOR PATENT APPLICATION; Information Disclosure Statement; AND FORM PTO-1449; P S/D J P; 09/18/2001	
9/27/2001 9:58:00 AM	LS	RECEIVED AS-FILED PROOF	
9/30/2001	BGP, JAW	R-As-filed letter sent?	
10/10/2001 1:55:00	LS	RECEIVED FILING RECEIPT	
10/30/2001	BGP, JAW	R-Info. disclosure reminder	
10/30/2001	BGP, JAW	R-Preliminary Amendment Due in 1 month	
11/30/2001	BGP, JAW	S-Info disc deadline; Recpt rcvd? If not, inquire	
11/30/2001	BGP, JAW	R-Preliminary Amendment Due	
12/26/2001 1:24:00	LJB	COMMUNICATION TRANSMITTAL; PRELIMINARY AMENDMENT INCLUDING VERSION OF CLAIMS AND SPECIFICATION WITH MARKINGS TO SHOW CHANGES MADE; LETTER TO CHIEF DRAFTSMAN; TRANSMITTAL OF FORMAL DRAWINGS; FORMAL DRAWINGS; D J P/B L H; 02/04/2002	
1/17/2002 2:45:00 PM	LJB	RECEIVED NOTICE OF PUBLICATION OF APPLICATION	
3/15/2002	JAW, BGP	PTO office action - 1 month response Trigger: Receipt of 1 month Office Action Base Date: Office Action mailing date	
3/15/2002 10:43:00	LJB	RECEIVED ONE MONTH OFFICE ACTION	
3/21/2002 9:51:21 AM	BGP	PFE Transmittal	
3/21/2002 1:53:00 PM	LJB	TRANSMITTAL FORM; RESPONSE TO ELECTION OF SPECIES REQUIREMENT DATED MARCH 15, 2002; SUPPLEMENTAL Information Disclosure Statement; FORM PTO-1449 AND COPY OF CITED REFERENCES; D J P; 04/03/2002	
4/3/2002 2:26:00 PM	LJB	SUPPLEMENTAL Information Disclosure Statement; AND FORM PTO-1449, WITH COPY OF CITED REFERENCES; P S/D J P; 04/15/2002	
4/4/2002	JAW, BGP	R-Office Action Response Due in 10 DAYS	
4/15/2002	JAW, BGP	D-Office Action Response Due to avoid extension	
5/15/2002	JAW, BGP	D-Office Action Response due with 1 mo ext	
6/15/2002	JAW, BGP	D-Office Action Response due with 2 mo ext	
7/15/2002	JAW, BGP	D-Office Action Response due with 3 mo ext	
8/15/2002	JAW, BGP	D-Office Action Response due with 4 mo ext	

# Matters Listing with Events

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Search for: %4294.1 Search by: Matter ID

Client	Matter Description	Area of Law	Matter ID
9/15/2002	JAW, BGP	S-Office Action Response due with 5 mo ext	
10/4/2002 10:11:26	BGP	Postcard - Application - 1st Class	
10/4/2002 4:46:00 PM	RMH	STATUS INQUIRY; D P;10/21/02	
10/15/2002	JAW, BGP	R-Further O/A or NOA? If not, inquire	
11/12/2002 1:58:05	BGP	PF Supplemental IDS	
11/12/2002 2:02:46	BGP	PFE Transmittal	
11/12/2002 2:04:05	BGP	Postcard - Application - 1st Class	
11/12/2002 3:29:00	RMH	TRANSMITTAL FORM; Supplemental Information Disclosure Statement; FORM PTO/SB/08; AND COPY OF CITED REFERENCES; J M L/D J P;11/25/02	
11/12/2002 3:37:21	AH	supp Letter	
11/30/2002	BGP, JAW	R-Do status request if no Office Action	
1/16/2003 10:41:36	BGP	PFE Pet. Revival - Unavoidable (10-00)	
1/16/2003 11:00:16	BGP	Postcard - Application - Express	